

THE GEORGE WASHINGTON UNIVERSITY
Washington, D. C.

A Special Meeting of the University Senate was held on May 9, 1969, at 2:48 p.m. on the sixth floor of the Library in the Faculty Conference Room, President Elliott presiding. The President's call of the special meeting was made on May 6, 1969, as quoted below:

I am calling a Special Meeting of the University Senate for Friday, May 9, to follow recess or adjournment of the regular Senate meeting on that date to consider the recommendation of the Ad Hoc Committee on a University Judicial System "that steps be taken to establish an interim all-student hearing body to have original jurisdiction over non-academic and non-administrative student disciplinary cases."

A RESOLUTION TO ENABLE THE CREATION OF A STUDENT COURT TO HEAR BREACHES OF THE UNIVERSITY PEACE (69/2), was the matter on the agenda for consideration.

Professor Stevens offered a point of order asking that the President and the President for the Day be relieved of the duty of presiding while the Resolution was being debated as President Elliott and Mr. Smith had made public statements which brought the appearance of their impartiality into question. The President ruled the point of order well taken and relinquished the chair to Vice President Bright who presided for the remainder of the meeting.

Professor Sharpe read Resolution 69/2, on behalf of the Executive Committee, and moved its adoption, seconded by Professor Stevens.

Extensive debate followed. A question was raised as to when the Resolution would become effective. It was the sense of the Senate that it would become effective upon passage.

Statements supporting the Resolution were made by Professors Wood, Hill, Morgan and Griffith.

Professor Kyriakopoulos opposed the Resolution because he felt it was too broad and general.

Professor Nimer suggested the appeal procedure might prove to be meaningless in the event a student was acquitted by the Court.

On behalf of three professors in the National Law Center - Robert G. Dixon, Jr., Arthur S. Miller, and James E. Starrs, Professor Pock read a statement which questioned the wisdom of creating an all student court (even with a law advisor) with jurisdiction to hear breaches of University peace.

Professor Zuchelli moved an amendment to the Resolution which failed for the lack of a second.

Professor Pock introduced an amendment, seconded by Professor Morgan. During the discussion of the Pock amendment, Bruce Smith and Henry Ziegler, students, spoke against the amendment. The question was called and the amendment failed

to pass.

Professor Perros moved a two paragraph amendment which was circulated to the members of the Senate, Professor Desmond seconded. On a point of order by Professor Jones, the chair ruled that each paragraph would be acted upon as a separate amendment, and both failed to pass.

Professor Stevens read portions of a report which had been prepared by Professor Kirsch, Acting Chairman of the University Senate Committee on Student Relationships, and circulated to the members of the Senate.

Professor Stevens, on behalf of Professor Kirsch, moved an amendment which would set up a Court composed of equal numbers of faculty and students. The amendment failed to pass.

Professor Kurtz moved an amendment to paragraph 1.(a), shown below, with the amendment underlined:

- (a) The President of the Student Assembly, with the approval of the Student Assembly, shall present five student nominees with credentials, and the President of the University may appoint them to serve on the student court. Should any nominees be rejected by the President of the University, they shall be replaced by other nominees.

The motion was seconded by Professor Zuchelli, and the amendment was passed.

Professor Brewer moved an amendment to substitute "Hearing Body" wherever the word "Court" appears in the Resolution, seconded by Professor Perros, but the amendment failed to pass.

Professor Pock moved, seconded by Professor Sharpe, an amendment to add to the end of paragraph 1.(c)

Decisions of the Student Court need not be unanimous. Its actions shall be based upon a majority vote of the full Court. Three members voting the same way shall constitute a decision.

The question was called, and the amendment passed.

President Elliott, speaking in support of the Resolution, stated that in calling for the special meeting, he had quoted from the recommendations of the Ad Hoc Committee on a University Judicial System, chaired by Professor Park "that steps be taken to establish an interim all-student hearing body to have original jurisdiction over non-academic and non-administrative student disciplinary cases."

The President made two comments in support of the Resolution: First, The Student Assembly may not represent the entire student body. Those enrolled in the professional schools or those who are part-time students may not be active in Student Assembly work. Any student, however, who is accused will still have the option as to who hears the charges brought against him, as provided in paragraph 3 of

the Resolution. Second, he believed the Student Court would be a very positive addition to the campus. Should this prove not to be the case, he felt paragraph 5 would make it mandatory that a thorough assessment of its success or failure be conducted within the next twelve months. He urged adoption of the Resolution.

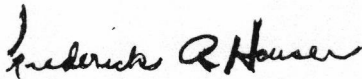
Professor Jones requested the privilege of the floor for Mr. Wallace Sherwood, who recommended that the Resolution, if passed, be amended to delete the word that speaks to the future only, in order for the Student Court to conduct retroactively, the Maury Hall cases.

Professor Morgan opposed the amendment as proposed by Mr. Sherwood, and stated that he would vote against it if such an amendment were moved by a member of the Senate. He moved the previous question, seconded by Professor Stevens.

Because he felt the Resolution was being acted upon in an "emotion-laden atmosphere" Professor Shane opposed the entire Resolution.

Professor Brewer moved a point of order calling attention to Professor Morgan's call for the previous question. The chair sustained the point of order and the question was called. Resolution 69/2 carried with one dissenting vote. Resolution 69/2, as amended, is appended to these minutes.

The meeting was adjourned at 4:28 p.m.


Frederick R. Houser
Secretary

A RESOLUTION TO ENABLE THE CREATION
OF A STUDENT COURT TO HEAR BREACHES
OF THE UNIVERSITY PEACE (69/2)

Whereas (a) recent events have demonstrated the immediate need for a University judiciary to hear accused students and to punish students found hereafter to have breached University rules for maintaining the peace of the campus, and

Whereas (b) in the words of the University Charter of 1821, "The Faculty . . . shall have the power of enforcing the rules and regulations adopted by the trustees for the government of the pupils, by rewarding or censuring them, and, finally, by suspending such of them as, after repeated admonitions, shall continue disobedient and refractory, until a determination of a quorum of the trustees can be had," and

Whereas (c) on the advice of University counsel, the Faculty can delegate the first hearing of student discipline cases to a student court, and the University Senate can so delegate on behalf of the Faculty, and

Whereas (d) students should participate in disciplinary decisions affecting students, and the Student Assembly has passed a resolution asking for such a delegation, and

Whereas (e) the provision of appeals to the University Hearing Committee on Student Affairs, which contains equal numbers of faculty and student members, would in the opinion of University counsel comply with the requirement of Faculty enforcement set forth in the University Charter, therefore

Be It Resolved by The University Senate of The George Washington University:

1. Effective with the passage of this Resolution, the University Senate on behalf of the Faculty delegates the initial adjudication of charges that students have hereafter violated rules of the University intended to keep the peace of the University to a student court to be composed as follows:

(a) The President of the Student Assembly, with the approval of the Student Assembly, shall present five student nominees with credentials, and the President of the University may appoint them to serve on the student court. Should any nominees be rejected by the President of the University, they shall be replaced by other nominees.

(b) The President of the University shall appoint a member of the faculty of the National Law Center as law advisor without vote, and the law advisor's function shall be to sit with and advise the student court on creating its rules of procedure and on the fairness of its proceedings.

(c) The student court shall have power to recommend to the Board of Trustees any limitation of the student's status within the University up to and including indefinite suspension. Decisions of the student court need not be unanimous. Its actions shall be based upon a majority vote of the full court. Three members voting the same way shall constitute a decision.

(d) Members of the student court shall take the following oath

of office to be administered on behalf of the Faculty by the President of the University:

While I hold this office I shall seek diligently to protect the rights and welfare of all members of the University and to enforce the rules and regulations of the University. I shall make findings and judgments not biased by the fact that the defendants will be students or student organizations and that I am a student.

2. The decision of the student court to discipline or not to discipline a student will not operate to insulate the student from proceedings by the University or individuals or governments for injury to persons, damage to property, or violation of criminal law.

3. An accused student shall be given the option of having the charges against him heard either by the student court or by the office of the Vice President for Student Affairs, and if the accused student fails, within a reasonable time before the charges are to be heard, to announce his choice under this option, the charges shall be heard by the office of the Vice President for Student Affairs.

4. Both the University and the student may appeal errors in the proceedings and the decision, either in the student court or in the office of the Vice President for Student Affairs, to the University Hearing Committee on Student Affairs, and thereafter they both may appeal to the Board of Trustees.

5. Because of the present deliberations of the President's ad hoc Committee on the University Judicial System, which are intended to present the Senate with proposals that overlap this Resolution, this Resolution will expire on June 30, 1970, unless it is sooner repealed, amended, or extended.

The Executive Committee

May 9, 1969

Passed by the Senate 5/9/69 at a Special Meeting